IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5820 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL MANUBHAI RAGHAVBHAI

Versus

AHMEDABAD MUNICIPAL CORPN. 3RD SPECIAL LAND ACQUISITION

Appearance:

MR AY KOGJE for MR SV RAJU for Petitioner

MR RAJESH DESAI for MR PRASHANT G DESAI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/06/2000

ORAL JUDGEMENT

#. Heaving heard the learned counsel for the parties, I am satisfied that the petitioner has not come with clean hands before this Hon'ble Court. In para 3 of the

petition, the petitioner stated that the officers of the respondent-Corporation came and threatened the petitioner to demolish the portion of the shop in question. In para 5 the petitioner has admitted as a fact that the structure of the shop has been removed by the respondent-Corporation.

#. Once the structure has been removed even if what the petitioner contends may be accepted to true, remedy may be only for damages and not for approaching this court by way of Special Civil Application.

#. In the result, the Special Civil Application fails and the same is dismissed. Rule is discharged. Interim relief, if any, granted earlier stands vacated. The petitioner is directed to pay Rs.2,000/= towards costs of this petition to the respondent-Corporation.

(S.K.Keshote, J.)
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